



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 23, 1995

Mr. James Showen
Senior Assistant City Attorney
City of Tyler
P.O. Box 2039
Tyler, Texas 75710

OR95-1119

Dear Mr. Showen:

You have asked this office to determine if information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32146.

The City of Tyler (the "city") received a request for information concerning a murder case that has been closed by conviction, and for records of a variety of other criminal cases.¹ You assert that the requested information is excepted from disclosure pursuant to section 552.108.

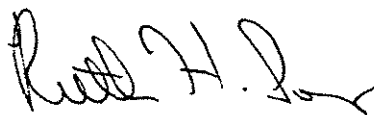
When applying section 552.108, this office distinguishes between cases that are still under investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of an offense report. Open Records Decision No. 127 (1976). However, you do not indicate that the requested information concerns cases that are being actively investigated. In fact, it appears that several of the cases have been closed. A case may be closed due to a conviction, acquittal, or by administrative decision. Open Records Decision No. 372 (1983) at 4. You have not demonstrated to this office that any of the cases are still under active investigation.

¹We note that the requestor is an attorney for an inmate in a correctional facility. Since the city has asked this office for a decision, we do not need to consider the applicability of section 552.027 of the Government Code to this request.

Even when cases are closed section 552.108 excepts from disclosure the internal records and notations of law enforcement agencies and prosecutors when release of these records would unduly interfere with law enforcement and crime prevention. Open Records Decision No. 531 (1989) at 2 (quoting *Ex parte Pruitt*, 551 S.W.2d 706, 710 (Tex. 1977)). When section 552.108 is claimed, the agency claiming it must reasonably explain, if the information does not supply the explanation on its face, how releasing the information would unduly interfere with law enforcement. Open Records Decision No. 434 (1986) at 3. However, you have not provided such an explanation, nor is it apparent to this office that release of the records at issue would unduly interfere with law enforcement.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Ruth H. Soucy", with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/rho

Ref.: ID# 32146

Enclosures: Submitted documents

cc: Mr. Greg Gladden
3017 Houston Avenue
Houston, Texas 77009
(w/o enclosures)